



FREEDOM OF INFORMATION

Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
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Walter Micowski,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2014-394

Executive Director, Housing Authority, City of Meriden;
and Housing Authority, City of Meriden,
Respondent(s)

April 1, 2015

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, April 22, 2015**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE April 10, 2015**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE April 10, 2015**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fourteen (14) copies** be filed **ON OR BEFORE April 10, 2015**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of
Information Commission

W. Paradis
Acting Clerk of the Commission

Notice to: Walter Micowski
Michael S. Wrona, Esq.

2015-04-01/FIC# 2014-394/Trans/wrbp/VDH//TCB

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Walter Micowski,

Complainant

against

Docket #FIC 2014-394

Executive Director, Housing
Authority, City of Meriden;
and Housing Authority,
City of Meriden

Respondents

April 1, 2015

The above-captioned matter was heard as a contested case on February 19, 2015, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. It is found that, by email dated June 4, 2014, the complainant sent the respondents a request for access to the following records:
 - a. The latest MHA and/or MRC Contract with EAG as the company overseeing 'the renewable energy components of the project' at Yale Acres;
 - b. The latest MHA and/or MRC Contract with Paul Pizzo/Landmark Building Group as the 'Construction Management Team' on the Yale Acres Project;
 - c. The MHA's RESNET submission to NU/CL&P and the certification received designating the Project as an 'Energy Star Construction' Project;
 - d. Documents listing all the transfer of MHA funds expended for work specifically related to the planning, reconstruction, energy efficiency, building envelope upgrades, renewable energy system engineering designs and/or marketing and tenant engagement activities associated with the Yale Acres' Modernization Project,

from the period between January 1, 2013 through December 31, 2013.

3. By letter dated June 19, 2014 and filed June 23, 2014, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide him with access to the records described in paragraph 2, above.

4. Section 1-200(5), G.S., provides:

“Public records or files” means any recorded data or information relating to the conduct of the public’s business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

5. Section 1-210(a), G.S., provides in relevant part that:

Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212.

6. Section 1-212(a), G.S., provides in relevant part that “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

7. It is found that the requested records are public records within the meaning of §§1-200(5), 1-210(a), and 1-212(a), G.S.

8. It is found that Yale Acres is a state-owned, public housing complex, which the respondents are in the process of modernizing.

9. It is found that the complainant was contracted by the respondent housing authority as an energy consultant for the Yale Acres Project (the “Project”). It is found that, when the complainant worked as an energy consultant on the Project, he was responsible for developing the Project and overseeing certain aspects of the Project, including confirming the planned functionality and energy efficiency of the equipment.

It is found that the complainant's contract with the respondent housing authority ran out in February 2014.

10. It is found that the instant request was preceded by various other requests for records, which requests were similar to the request described in paragraph 2, above. It is found that, in April 2014, in connection with a previous request for access to records, the complainant visited the respondent housing authority to review records. He claims that, at such time, he was not given access to the records that are described in paragraphs 2.a and 2.b, above. He further contends that he was not provided with all of the records described in paragraph 2.d, above. At the contested case hearing on the instant complaint, the complainant withdrew the request described in paragraph 2.c, above.


11. It is found that the respondents provided the complainant with a hard copy of the record that is responsive to the complainant's request described in paragraph 2.b, above. It is further found that, with regard to the complainant's request in paragraph 2.a, above, the record provided to the complainant in response to his request in paragraph 2.b, above, sets forth that there is no recent contract between the respondent housing authority and AEG; rather, the record provided explains that the relationship between these parties is based on and is running off of the terms in the previous contract. It is found that the complainant was given access to such previous contract. Accordingly, it is found that, despite the complainant's belief that the respondents should have more current versions of the contracts described in paragraphs 2.a and 2.b, above, the respondents have provided him with either a hard copy of, or access to, the most recent versions of the contacts currently in existence.

12. With regard to the financial records referenced in paragraph 2.d, above, it is found that the respondents made all records in their possession available to the complainant for inspection. In this regard, it is found that the respondents did not withhold, redact, or designate as off-limits any of the responsive financial records that they currently maintain.

13. Accordingly, it is concluded that the respondents did not violate the FOI Act, as alleged in the complaint.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint.

1. The complaint is dismissed.



Valicia Dee Harmon
as Hearing Officer